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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 CATHY ENWERE,

13 Plaintiff,

14 v.

15 Terman Associates, L.P., dba
16 Terman Apartments, et al.,

17 Defendants.

Case No.: C 07-1239 JF (PVT)

**ORDER RE DEFENDANTS' REQUEST FOR
CLARIFICATION AND ASSISTANCE IN
SCHEDULING**

18 On December 4, 2009, this court issued an order compelling Plaintiff to produce her mental
19 health records and requiring her to appear for a Rule 35 examination. On January 7, 2009, this court
20 issued an order compelling San Mateo County Health Department to produce Plaintiff's mental
21 health records. On January 9, 2009, District Judge Fogel granted a request by Plaintiff for time off
22 from her lawsuit, and stayed this action until January 30, 2009. On January 14, 2009, Defendants
23 filed a "Request for Clarification and Assistance in Scheduling," which this court denied because it
24 violated the stay. On January 30, 2009, Plaintiff filed a document that included an objection to this
25 court's orders compelling her mental health records and requiring her to appear for a Rule 35
26 examination. On February 2, 2009, Defendants filed a "Renewed Request for Clarification and
27 Assistance in Scheduling." Plaintiff has not filed any response to Defendants' request. On February
28 9, 2009, Judge Fogel issued an order overruling Plaintiff's objections to this court's orders. Based

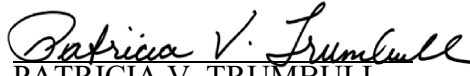
1 on the file herein,

2 IT IS HEREBY ORDERED that Defendants' request to reschedule the Rule 35 examination
3 is GRANTED AS MODIFIED HEREIN. Defendants shall re-notice the examination for a date
4 between February 24, 2009 and April 2, 2009.

5 IT IS FURTHER ORDERED that Defendants' request that the February 24, 2009 hearing be
6 advanced is DENIED. Defendants timely noticed Plaintiff's deposition, and thus the discovery
7 cutoff will not preclude Defendants from deposing Plaintiff if their motion to compel is granted and
8 any objection is ultimately overruled.

9 IT IS FURTHER ORDERED that Defendants shall contact the San Mateo County Health
10 Department ("SMCHD") to arrange for compliance with the subpoena Defendants served on it. The
11 court notes that SMCHD sent another copy of Plaintiff's records directly to the court. That was not
12 what the subpoena requires SMCHD to do. Defendants shall promptly provide a copy of this order
13 to SMCHD. Absent agreement of Defendants or further order of this court, SMCHD shall comply
14 with the subpoena within 10 business days after Defendants provide it with a copy of this order.

15 Dated: 2/12/09

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17 PATRICIA V. TRUMBULL
18 United States Magistrate Judge
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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 2/12/09 to:

Cathy Enwere
1263 Madera Ave.
Menlo Park, CA 94025

/s/ Donna Kirchner *for*
CORINNE LEW
Courtroom Deputy